

THE WINDSOR THEATRE WALLS.

Further Delay Pending the Reopening of the
Theatre to Their Safety.

The order of Judge Bench, requiring the Fire Commissioners to show cause why they should not be restrained from taking down the walls of the Windsor Theatre, came up before Judge Van Brunt in the Common Pleas chamber yesterday. Ex-Judge Enoch L. Fancher appeared on behalf of the owner of the theatre. He said that the Court had issued a precept requiring the owner to strengthen the walls temporarily by bracing them up on each side, and thereafter, at the proper season of the year, to take down and rebuild the walls. Ex-Judge Fancher insisted that the precept had been obeyed. He read an affidavit of William E. Waring architect, that in his opinion the walls are so braced that they cannot fall; that it is not now a proper season of the year to make alterations, and that the walls could safely remain in their present condition until spring. Ex-Judge Fancher also read an affidavit of Dr. Martin G. Goodwin, a physician of the city, to the same effect. He quoted the opinion of Samuel G. Godwin, a surveyor of buildings, that the walls are safe, and such an order would be a waste of time and expense to be compelled to break up the present lease of the theatre.

William L. Phillips, on behalf of the Fire Department, said that the walls were still there for that reason, and the order made by Judge Dury that the walls should be shored and thereafter taken down had been obeyed only partially. He said that the original surveyors had been told that the building was unsafe, and the only question that remained was carrying out the latter part of the order. Judge Dury had given instructions to the commissioners to make an alteration of the kind required, and Phillips said that the damage to the walls should be rebuilt at a suitable season of the year, "the only way he could see to settle the matter would be to take testimony who had the right to insist that the work should be done at once."

Judge Van Brunt said that the question was whether the order of the Court had been complied with. That order was in two parts. One part required the shoring up of the walls, which had been done, and the other part the opinion of the Court when the order was issued.

Ex-Judge Fancher said that the winter is not the proper season in which to make an alteration of the kind required, and Phillips said that the walls should be rebuilt at a suitable season of the year, "the only way he could see to settle the matter would be to take testimony who had the right to insist that the work should be done at once."

Mr. Findley said that he had supposed it was left with the Fire Department to determine as to what should be done.

Judge Van Brunt replied that, since the law permitted the owner to carry out the precept of the court, and the Fire Department had no objection to it, he did not think that the law did not obey the precept. It was essential that the precept should be couched in such terms that the owner should have the right to decide what could not be left to the arbitrary decision of the Fire Department, whether the order of the Court had been obeyed. He believed that such a decision would be reached.

Mr. Findley said that, under his view of the case, he would prefer to have the whole subject referred to the court, and that the answer could be obtained as to the proper time when the walls of the theatre should be taken down.

Ex-Judge Fancher said that he was precisely willing to leave the decision to the court, in order to show that the walls should not be taken down at all. He was ready to offer testimony on that point immediately.

Mr. Findley said that he had been satisfied with that, as it would relieve the Fire Department of responsibility, and the Court would assume it.

Judge Van Brunt said he did not see how the Court could do otherwise than assume the responsibility.

After further discussion, it was agreed that the whole subject shall be reopened, and testimony will be taken as to whether the walls ought to be taken down immediately.

Bronx's First Cabinet Meeting.

Major Low of Brooklyn is to have Cabinet meetings after the manner of the President. The first will probably be held this evening. City Treasurer Fleeman has appointed A. D. Wheeler as his deputy, and Dr. J. C. H. Jones, as his assistant. Major Low's to take charge of the City Works Department to replace Mr. Elbridge D. Bassett, whose high dignity as City Engineer has been vacated by the appointment of W. M. Shipman as Registrar of Water Rates.

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